

INDUSTRIAL HEMP

Hemp in Food and Dairy Products

FOOD AND DAIRY PROGRAM CONTACT: Mandi Cooley

517-749-5192 | CooleyA@michigan.gov | www.michigan.gov/MDARD

Manufacturers, distributors, and retailers of food products are regulated under the Michigan Department of Agriculture and Rural Development's (MDARD) Food and Dairy Division (FDD). FDD's mission is to protect public health by ensuring a safe and wholesome food supply. The division ensures food items are safe and wholesome for human consumption. Along with routine inspections, inspectors also investigate complaints, conduct routine sampling, and assist in food recalls. FDD collaborates with local health departments and federal regulatory agencies.

Regulatory authority:

- [Food Law, Act 92 of 2000, as amended, which adopted:](#)
 - 2009 Michigan Modified Food Code
 - U.S. Food and Drug Administration (FDA) Code of Federal Regulations (CFRs)

Summary of regulatory requirements:

- Each physical location where food is sold/distributed in Michigan is required to obtain a Michigan food establishment license, whether it is a retail, manufacturing, storage, or distribution location.
- Food packaged for sale must meet applicable state and federal labeling requirements.
- Establishments are subject to regulatory food safety inspections and product sampling.
- Manufacturing establishments must comply with CFRs and the FDA Food Safety Modernization Act.

Food products containing hemp or hemp-derived products, including cannabidiol (CBD):

Consumable hemp and CBD products have flooded the market in recent years; however, this does not mean all these products are lawful or can be legally produced and sold in Michigan or across state lines. The 2018 U.S. Farm Bill states the FDA has regulatory authority over the production, distribution, and sale of hemp, meaning hemp products must meet applicable FDA requirements. In Michigan, MDARD has the authority to enforce these FDA standards.

FDA has advanced three hemp seed-derived food products through its Generally Recognized as Safe (GRAS) process. Since hemp seeds do not naturally contain CBD or THC, hemp seed products – hulled hemp seed, hemp seed protein powder, and hemp seed oil – can legally be used in the U.S.

food supply. Any food products made with hemp seed ingredients are subject to the same FDA requirements as other food and Food Safety Modernization Act (PL 111-353) safeguards. In Michigan, all food production, including foods made with hemp seed-derived products, is subject to Michigan Food Law and licensing requirements; including following applicable food safety practices identified in the federal Food Code and/or CFRs.

The FDA has not approved CBD for use in food, drink, dietary supplements, or animal feed. Any product derived from industrial hemp with a THC concentration above 0.3 percent is classified as marijuana and regulated under applicable laws through the Michigan Department of Licensing and Regulatory Affairs.

Frequently Asked Questions

Is hemp considered an agricultural commodity?

Yes. Hemp is an agricultural commodity since it's a plant or plant product produced for sale, consumption, or use by humans or animals. An MDARD Hemp Grower Registration is required for growing, drying, and storing hemp, including selling to a licensed processor. A Hemp Processor-Handler license is required for processing, brokering, and supplying hemp.

As a licensed food establishment, can I add hemp seed protein powder to my food product?

Yes. Hemp seed protein powder, as well as hulled hemp seeds and hemp seed oil, are FDA approved ingredients. Be sure it is included in the ingredient list and is from an approved source.

How do I know if the hemp product I purchased is an 'approved source' and is free from THC?

You should purchase products from a reputable supplier or request a Certificate of Analysis from a certified testing laboratory from the supplier.

Can I add CBD to my brownies to sell at the farmers market?

No. CBD is not an approved ingredient and cannot lawfully be added to or included in a food product.

Can I grow my own hemp to add to my food items intended for sale?

Yes, but the growing operation must be registered by MDARD and the food manufacturing operation must obtain an MDARD Hemp Processor-Handler License (or Marijuana Regulatory Agency processor license) and a Food Establishment License from MDARD or the local health department. Hemp ingredients must meet the FDA GRAS standard as stated above.

Can I sell hemp-containing products under the Cottage Food Law (CFL)?

Yes. If you obtain the hemp product from an approved source, meet all the criteria to operate under the CFL, and your product is compliant with the CFL. Products can not contain CBD or ingredients containing THC. Hemp ingredients must meet the FDA GRAS standard as stated above.

Can I add hemp to animal feed?

A person can choose to supplement their own pet's food with hemp or hemp-derived products, but safe levels for animal consumption have not been established. It is not an approved feed ingredient for commercial use. Please refer to [Hemp in Animal and Pet Feed](#).

For more information about Michigan's Food and Dairy program, visit www.michigan.gov/mdard. Hemp Processor-Handler licensing questions can be directed to [Molly Mott](#), Industrial Hemp Program Specialist, at 248-521-0501.